

DEFENSE SUMMATION

The prisoner's counsel asks your Honor to charge:

1st---Circumstantial evidence, to authorize the Jury to convict upon it, must be at least as strong as the positive and direct testimony of one credible witness.

2nd---That the circumstances proved must exclude every other hypothesis.

3rd---The evidence must convince the Jury of the prisoner's guilt beyond a reasonable doubt.

4th---That unless they are satisfied that there was a confederacy between the prisoner and Anne Melton and that they acted in concert in the perpetuation of the Homicide, nothing she said or did not in the presence of the prisoner is any evidence against the prisoner.

5th---If they are satisfied that there was a confederacy between the prisoner and Anne Melton and that they acted in concert in the perpetuation of the Homicide, then nothing done or said by Anne Melton not in the presence of the prisoner would be evidence against the prisoner, except acts done in furtherance of the common design and declaration accompanying such acts.

THE VERDICT

The jury, being chosen, tried, and sworn, say they find the prisoner at the bar guilty of the felony and murder whereof he stands charged.

The prisoner being brought to the bar of the Court, motion in arrest of judgement over ruled, and there being nothing further urged by the prisoner why sentence of law should not be passed upon him, it is considered and adjudged by the Court, that the prisoner at the bar Thomas Dula, be taken by the Sheriff of Iredell County to the place of Public execution and that he there be hung by the neck until he be dead.

Dula appealed to the Supreme Court of North Carolina. A retrial was granted, but he was again found guilty. And so the verdict passed into legend.